

REMARKS

Reconsideration of the application as amended is respectfully requested.

The previous Supplemental Amendment was entered after discussions with the previous Examiner Kimberly Shaw. In that discussion it was indicated that the proposed amendment would result in issuance, which was its motivation. Currently, by knowledge, information and belief applicant understands that Examiner Price is no longer available at the USPTO, hence a new examiner currently reviewing this prosecution which resulted in additional discussions concerning patentability.

For clarification and to assist this new examiner, applicant, as one particularly knowledgeable in the art of high-loft, non wovens, wishes to clarify a number of issues concerning terms of art that are known to one skilled in the relevant art. The present invention claims the use of a particle entrapment pad comprising *preformed, high loft non-absorbent nonwoven* top layer. A nonwoven is cited at <http://www.inda.org/about/drectoryquest.pdf>. Per INDA Supplier and Manufacturer List, (See Sec. 2.4 **Suppliers by types of structures**(highlofts)) wherein web forming structures is a separate category and highlofts is a separate type of finished, nowoven type of rolled good.

Notice this is NOT diaper or carpeting, but is a distinct type or category of Nonwoven. Per INDA Glossary, the definition of Highloft is a "General term for low density, thick or bulky fabrics, as compared to flat, paper-like fabrics. It is characterized by a high ration of thickness to weight per unit area. Highloft battings have no more than 10% solids by volume and are greater than 2mm (0.13 inches) in thickness. This would eliminate diapers and carpets.

Nowovens have technical definitions by various organizations. ASTM defines a nonwoven as a “a textile structure produced by bonding or interlocking of fibers, or both, accomplished by mechanical, chemical or solvent means and combinations thereof...” Note that the term does **not** include paper, or fabrics which are woven, knitted, tufted, or those made by wool or other felting processes. ASTM D123, D-13 (1970). Further, INDA offers a more current, revised definition: “Nonwoven fabrics are generally defined as sheet or web structures made by bonding and or interlocking fibers, yarns or filaments by mechanical, thermal, chemical or solvent means.” The European trade association EDANA has a concurrent definition which includes additional limitations, namely,

“Nonwovens are distinguished from paper, notably by the bulk and rupture energy criteria as outlined as follows (in order of ease of control). A. if it is made of 100% manmade fibers, or then b. if its bulk index is above 7 or if its total rupture energy index is higher than 7 joules or then c. if together its total rupture index is between 7 and 1.2 joules AND its bulk index between 7 and 2.”

See also INDA trade association, the trade association of the nonwoven fabrics industry, at www.inda.org, and specifically, http://www.inda.org/category/nwn_index.html.

In the trade, ‘nonwovens’ have a particular technical meaning that excludes carpet or anything that requires the converting of fibers to yarn, etc. The nonwoven top layer is first specifically described on page 5, lines 10-11. Page 6, line 2 indicates that the pad is “treated with” substance to enhance its particle entrapping nature. This “treated with” language appears again at page 14, line 18. Further, page 7, line 10-11 and FIG. 1A and 1B indicate ‘applied’

ingredients are "added ingredients". Further, page 10, line 20 and page 13, line 12 indicate that the tackifier is "applied" and "applied to the fibers", respectively.

For example, Ahlstrom Air Media is a current supplier and manufacturer of 'hi-loft nonwoovens and needlepunch medias for a variety of applications', by their own description. Ahlstrom Air Media is the current successor in interest to the company formerly known as HOLINEE as referenced in the original application at page 10, lines 18-19.

Further, page 10, lines 11-13 indicate a variety of preformed high loft non-wovens that can be manufactured in a variety of thicknesses and densities.

Finally, applicant wishes to reference that an additional Information Disclosure Statement is being submitted under separate cover to include any and all references available from INDA that may or may not be relevant to the background art of high-loft nonwovens. While applicant did not have this information available at the time of filing, and does not currently feel that there is anything contained therein that would affect the patentability of the present invention, Applicant is providing such 'background' information for purposes of providing an abundance of clarity to his application.

In view of the above remarks, it is believed that all the grounds of rejection are overcome and that the application has now been placed in full condition for allowance. Should there be any further questions or reservations, Examiner is urged to telephone Applicant's undersigned attorney at (330) 253-2225.

Respectfully submitted,

A handwritten signature in black ink, consisting of a series of loops and flourishes, positioned below the text "Respectfully submitted,".

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